



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-7
AGENDA DATE: Thu 05/12/2005
PAGE: 1 of 1

SUBJECT: C14-05-0032 - 5708 Spring Meadow - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5708 Spring Meadow Road (Williamson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning. Applicant: Mike Gharbi. Agent: Century 21 Capital Team (Maryam Gharbi). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-05-0032

P.C. DATE: April 12, 2005

ADDRESS: 5708 Spring Meadow Road

OWNER: Mike Gharbi

AGENT: Century 21 Capital Team
(Maryam Gharbi)

ZONING FROM: SF-2-NP **TO:** SF-3-NP **AREA:** 0.16 acres (7,082 square feet)

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is for family residence – neighborhood plan (SF-3-NP) combining district zoning.

PLANNING COMMISSION RECOMMENDATION:

April 12, 2005: *APPROVED STAFF'S RECOMMENDATION OF SF-3-NP DISTRICT ZONING.*
[J. REDDY – 1ST; D. SULLIVAN – 2ND] (8-0)

** NOTE: COMMISSIONERS DID NOT SEE SF-3-NP ZONING AS A PRECEDENT FOR THE NORTH SIDE OF SPRING MEADOW ROAD; INSTEAD SEE THIS PARTICULAR ZONING CASE AS PECULIAR, IN TERMS OF THE BUILDING PERMITS ISSUED.*

ISSUES:

The subject lot has carried single family residence standard lot (SF-2-NP) district zoning since the 1980's. The lot remained undeveloped for approximately 20 years, until July 2002, when the Applicant submitted residential building plans for a duplex, which is first allowed in the family residence (SF-3) district. The Staff misread the building plans and reviewed them as a single family residence, and subsequently issued a permit for a single family residence, consistent with the SF-2 zoning on the property. Subsequently, the Applicant returned to the Staff, and reported that the building plans were not for a single family residence, but for a duplex. The Staff then erred and changed the permit from a single family residence to a duplex, in September 2002. Please refer to Attachment A which contains material submitted by the Applicant, including the duplex drawings, and appraisal information. Attachment B contains City permit records. Attachments A and B follow Exhibit A-2.

In September 2002, the Applicant began construction of a duplex on the property, in accordance with the building permit issued and work continued until March 2003. The Applicant reports that the contractor walked out on the construction underway after March 2003. Because work did not continue for a period of 180 days, Staff made a note on the permit records in September 2004 that the permit had expired. When the Applicant requested that the permit for a duplex be re-activated as originally submitted and permitted, the Staff informed the Applicant that a duplex use was not a permitted use in the SF-2 zoning district and that a rezoning to the SF-3 district was necessary. Photos of the duplex under construction and views of surrounding properties are provided as Attachment C.

Construction on the duplex is approximately 80% complete with electrical, plumbing, and mechanical work and the exterior of the structure finished. The remaining items that must be completed include

the final sheet rock inside, fixing broken windows, installing garage doors and kitchen fixtures. The Applicant estimates the remaining items will take 1 to 2 months to complete. In addition, the Applicant reports that there is a buyer for the duplex under construction and is seeking an extension of the contract so that the rezoning may be considered by the Commission and Council.

Additional material submitted by the Applicant follows the staff report.

DEPARTMENT COMMENTS:

The property is situated at the northwest corner of Spring Meadow Road and Brook Creek Cove, and is zoned SF-2-NP. The Applicant owns two adjacent undeveloped lots – one to the north and the other to the west, as well as four undeveloped lots on the east side of Brook Creek Cove (zoned SF-2-NP). There are established single family residences surrounding the undeveloped lots described above (SF-2-NP) on the north side of Spring Meadow Road. There are established duplexes along the south side of Spring Meadow Road (SF-3-NP). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and A-2 (Vicinity Map illustrating the McKinney Neighborhood Planning Area).

The applicant proposes to rezone the lot to the SF-3-NP district so that the duplex under construction may be completed and thereafter sold. The Staff recommends the Applicant's rezoning request due to the following considerations: 1) the City erred in issuing a permit for a duplex although the property carries SF-2-NP zoning which does not allow this use, the construction is substantially complete and conversion back to a single family residence would be difficult; 2) the adjacent properties to the north, west and east are undeveloped, and future homebuyers of these lots would be aware of the duplex use.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|---------------|--|
| <i>Site</i> | SF-2-NP | One duplex under construction |
| <i>North</i> | SF-2-NP | One undeveloped lot adjacent to the north; Single family residences further north on the Brook Creek Cove cul-de-sac |
| <i>South</i> | SF-3-NP | Duplexes along the south side of Spring Meadow Road |
| <i>East</i> | SF-2-NP | Four undeveloped lots Brook Creek Cove; Single family residences along Brook Creek Cove and Brook Crest Road |
| <i>West</i> | SF-2-NP | Single family residences |

NEIGHBORHOOD PLANNING AREA: Southeast **TIA:** Is not required
 Combined NPA (McKinney)

WATERSHED: Williamson Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

- 96 – Southeast Corner Alliance of Neighborhoods (SCAN)
- 176 – Kensington Park Homeowners Association
- 300 – Terrell Lane Interceptor Association
- 428 – Barton Springs / Edwards Aquifer Conservation District
- 511 – Austin Neighborhoods Council

627 - Onion Creek Homeowners Association
 688 - Southeast Neighborhood Planning Contact Team
 742 - Austin Independent School District

SCHOOLS:

The property is served by the Del Valle Independent School District.

CASE HISTORIES:

| NUMBER | REQUEST | COMMISSION | CITY COUNCIL |
|---|---|---------------------|---------------------------------|
| C14-02-0128.02 - McKinney Neighborhood Plan | McKinney Neighborhood Plan Combining District Rezoning: a Neighborhood Plan (NP) district was added to this lot | Recommended SF-2-NP | Adopted SF-2-NP (10- 10-02). |

RELATED CASES:

A Revised Preliminary Plan for Williamson Creek Subdivision was approved by the Planning Commission in August, 1983 and shows that this lot, as well as the surrounding lots on the north side of Spring Meadow Road, is designated for single family purposes (C8-81-003). The Revised Preliminary Plan shows that the south side of Spring Meadow Road is designated for duplex uses. The subject lot is platted as Lot 1, Block F of Williamson Creek Subdivision, Section One, a subdivision recorded in June 1981 (C8-81-03.1). Please refer to Exhibits B and C.

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Blke Route |
|--------------------|---------|----------|----------------|-----------|-----------|------------|
| Spring Meadow Road | 60 feet | 44 feet | Collector | No | No | No |
| Brook Creek Cove | 50 feet | 30 feet | Local | No | No | No |

CITY COUNCIL DATE: May 12, 2005

ACTION:

ORDINANCE READINGS: 1st

2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
 e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



| | | | |
|---------------------|---------------------------------------|--------------------------------|--|
| | SUBJECT TRACT | ZONING Exhibit A | CITY GRID REFERENCE NUMBER J16 |
| | PENDING CASE | | |
| ZONING BOUNDARY | CASE #: C14-05-0032 | DATE: 05-04 | J16 |
| CASE MGR: W. WALSH | ADDRESS: 5708 SPRING MEADOW RD | INTLS: SM | |
| 1" = 400' | SUBJECT AREA (acres): 0.160 | | |



SF-2-NP

SF-2-NP

SF-2-NP

SPRING MEADOW

UNDER DEVELOPMENT

PINE

UNDEVELOPED

EXHIBIT A



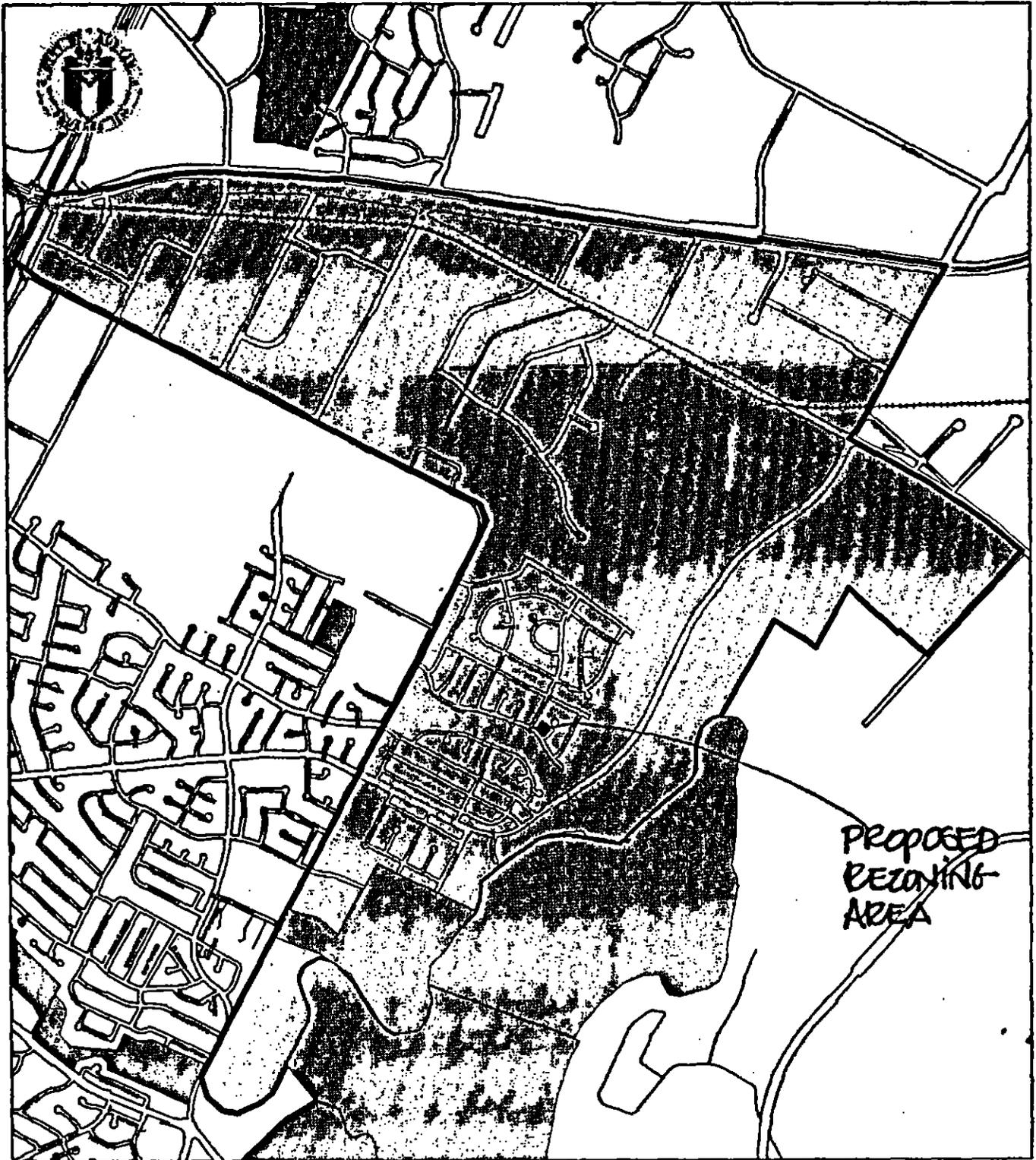
NORTH

NP

ASORN GROVE

SUNNYVALE

SUNNYVALE

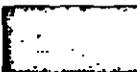


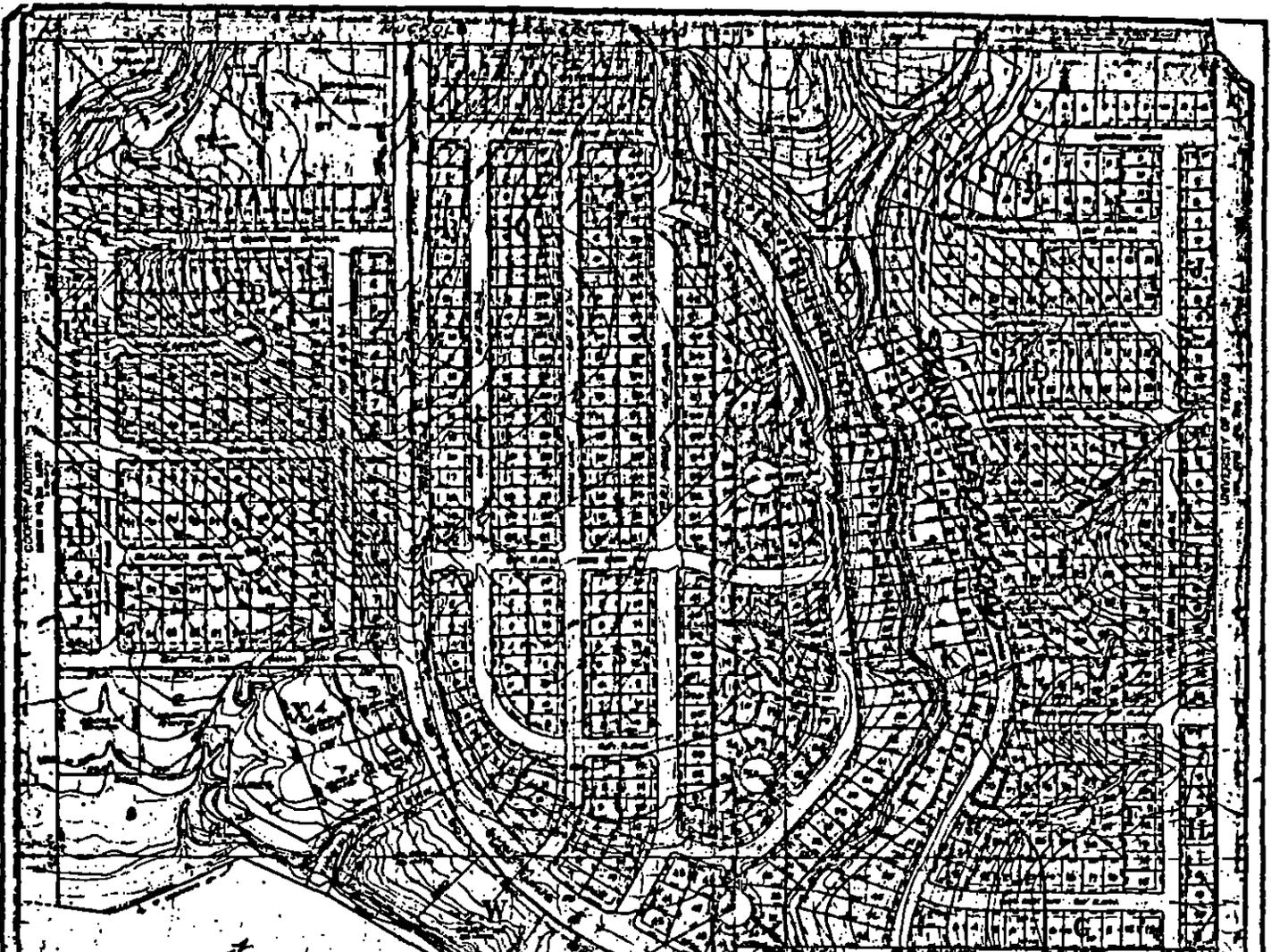
McKinney Neighborhood Planning Area

EXHIBIT A-2

0.5 0 0.5 Miles



 Parks



CITY OF AUSTIN
 PL. 100-101
 SCALE: 1" = 100'



WILLIAMSON CREEK SUBDIVISION
 PRELIMINARY PLAN
 PREPARED BY
 HANDBERRY ENGINEERS ARCHITECTS
 12000 N. MOORE AVENUE, SUITE 100
 DALLAS, TEXAS 75244
 DATE: JANUARY 14, 1981

| PHASE 1 | | | | PHASE 2 | | | | PHASE 3 | | | |
|---------|------|---------|---------|---------|------|---------|---------|---------|------|---------|---------|
| NO. | AREA | TYPE | REMARKS | NO. | AREA | TYPE | REMARKS | NO. | AREA | TYPE | REMARKS |
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| 2 | 1.2 | SF-3-NP | | 2 | 1.2 | SF-3-NP | | 2 | 1.2 | SF-3-NP | |
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| 100 | 1.2 | SF-3-NP | | 100 | 1.2 | SF-3-NP | | 100 | 1.2 | SF-3-NP | |

REZONING
 PROPOSED
 SF-2-NP TO
 SF-3-NP

REVISED
 PRELIMINARY FOR

WILLIAMSON CREEK SUBDIVISION

EXHIBIT B
 APPROVED
 PRELIMINARY
 PLAN

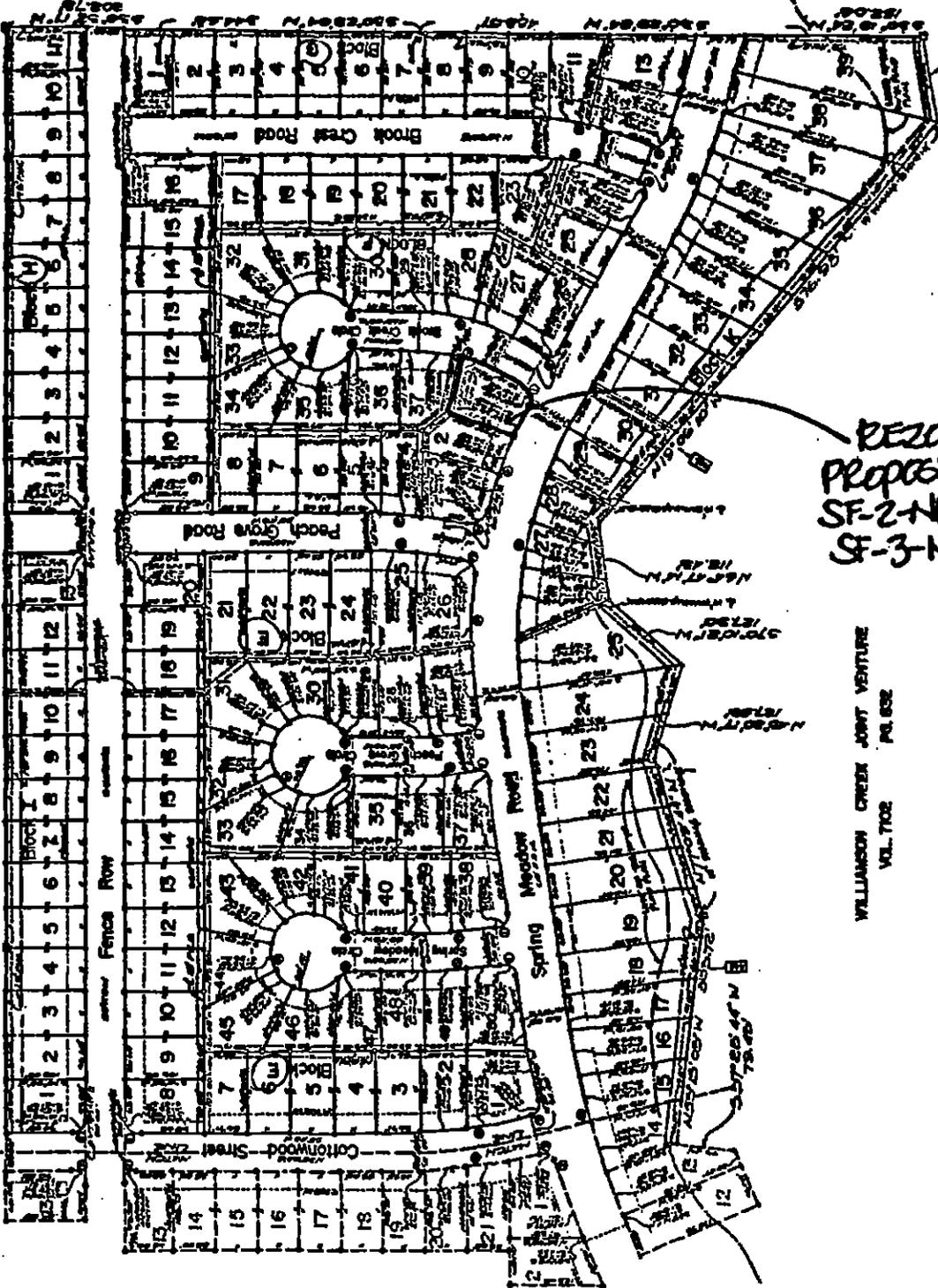
APPROVED
 PRELIMINARY PLAN
 HANDBERRY ENGINEERS ARCHITECTS
 12000 N. MOORE AVENUE, SUITE 100
 DALLAS, TEXAS 75244
 DATE: JANUARY 14, 1981

WILLIAMSON CREEK SUBDIVISION Section one

UNIVERSITY OF TEXAS
VOL. 478 PA. 105

2500.54

55° 59' 46"



REZONING
PROPOSED
SF-2-NP TO
SF-3-NP

WILLIAMSON CREEK JOINT VENTURE
VOL. 702 PA. 802

UNIVERSITY OF TEXAS
VOL. 478 PA. 105

EXHIBIT C
RECORDED FINAL PLAT

WILLIAMSON CREEK SUBDIVISION

section one

STATE OF TEXAS
COUNTY OF TRAVIS

WITNESSETH ALL MEN BY THESE PRESENTS:

THAT WILLIAMSON CREEK JOINT VENTURE, A TEXAS JOINT VENTURE COMPOSED OF GEORGE WHEAT, J. B. POPPMEYER, F. H. SULLIVAN, JR., JIM BRYAN, JOE BRYAN AND MICHAEL WHEELER, A JOINT VENTURE ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACTING BY AND THROUGH ITS MANAGING PARTNER, GEORGE WHEAT, OWNERS OF 37.167 ACRES OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT SITUATED IN TRAVIS COUNTY, TEXAS AS SHOWN BY DEED OF RECORD IN VOLUME 7102, PAGE 631 OF THE TRAVIS COUNTY, TEXAS, DEED RECORDS, DO HEREBY SUBDIVIDE SAID TRACT IN ACCORDANCE WITH THE ATTACHED PLAT TO BE KNOWN AS WILLIAMSON CREEK SUBDIVISION SECTION ONE AND HEREBY DEDICATE TO THE PUBLIC USE OF THE STREETS AND EASEMENTS AS SHOWN HEREON.

WITNESS MY HAND THIS 26th DAY OF March, A.D., 1981.

WILLIAMSON CREEK JOINT VENTURE

George Wheat
GEORGE WHEAT
MANAGING PARTNER

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED GEORGE WHEAT, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS 26th DAY OF March, A.D., 1981.



Robert J. Lick
ROBERT J. LICK
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY, TEXAS

APPROVED FOR ACCEPTANCE: Robert J. Lick
NOTARY PUBLIC, STATE OF TEXAS

May 26, 1981
DATE

ACCEPTED AND AUTHORIZED FOR RECORD BY THE PLANNING COMMISSION OF THE CITY OF AUSTIN ON THE 26th DAY OF May, A.D., 1981.

Mary Schickler
MARY SCHICKLER
CHAIRMAN

Allen
ALLEN
MEMBER

FILED FOR RECORD: THIS THE 23rd DAY OF June, A.D., 1981, AT 8:00 O'CLOCK A.M., BORIS SHRAPSHIRE, CLERK, COUNTY COURTHOUSE, TRAVIS COUNTY, TEXAS.

BY: L. Jones
L. JONES
DEPUTY

STATE OF TEXAS
COUNTY OF TRAVIS

I, BORIS SHRAPSHIRE, CLERK OF TRAVIS COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 23rd DAY OF June, A.D., 1981, AT 8:00 O'CLOCK A.M. IN THE PLAT RECORDS OF SAID COUNTY, IN BOOK 81 PAGE 25-26-27 AND ONLY RECORDED BY 100 O'CLOCK A.M.

BY: L. Jones
L. JONES
DEPUTY

Boris Shrapshire
BORIS SHRAPSHIRE, CLERK, COUNTY COURT, TRAVIS COUNTY, TEXAS

I, R. E. STANLEY, AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND SURVEYING AND HEREBY CERTIFY THAT THIS PLAT COMPLIES WITH CHAPTER 205 OF THE AUSTIN CITY CODE: AS TO BE AND CORRECTLY AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUNDS.

R. E. Stanley
R. E. STANLEY, P.
1207 SOUTH 10th ST
AUSTIN, TEXAS 78702

26 Mar 81
DATE

THE STATE OF TEXAS
COUNTY OF TRAVIS
I, BORIS SHRAPSHIRE, CLERK OF THE COUNTY COURT WITHIN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT ON THE 26th DAY OF March, A.D., 1981, THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, PASSED AN ORDER AUTHORIZING THE FILING FOR RECORD OF THIS PLAT, AND THAT SAID ORDER HAS BEEN ENTERED IN THE MINUTES OF SAID COURT IN BOOK 81 PAGE 25.

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE 26th DAY OF March, A.D., 1981.

Young
DEPUTY



NOTES

NO LOT IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO WATER AND WASTEWATER SYSTEMS OF THE CITY OF AUSTIN.

100 YEAR FLOOD PLAIN ESTABLISHED FROM STUDY ON WILLIAMSON CREEK BY GROUP OF CIVIL ENGINEERS IN FT. WORTH IN 1960.

FINISH FLOOR ELEVATION FOR SLABS TO BE ONE FOOT ABOVE 100 YEAR FLOOD PLAIN, THE 100 YEAR FLOOD PLAIN BEING SHOWN ON THIS PLAT.

AN EXPRESS EASEMENT IS HEREBY GRANTED ACROSS ALL ACCESS EASEMENTS FOR PUBLIC USE, ALL GOVERNMENT FUNCTIONS, VEHICULAR AND/OR NON-VEHICULAR, INCLUDING FIRE AND POLICE PROTECTION SERVICES, SOLID AND OTHER WASTE MATERIAL PICK-UP, AND ANY OTHER PURPOSES THAT ANY GOVERNMENTAL AUTHORITY DEEM NECESSARY, AND DOES FURTHER HOLD THAT ALL GOVERNMENTAL AUTHORITIES, THEIR AGENTS OR EMPLOYEES, SHALL NOT BE LIABLE FOR ANY DAMAGE OCCURRING TO THE SURFACE OF ANY OF THE SAID ACCESS EASEMENTS AS A RESULT OF GOVERNMENTAL VEHICLES TRAVELING OVER SAME.

SIDEWALKS SHALL BE INSTALLED ON BOTH SIDES OF SPRING MEADOW ROAD, WEST SIDE OF CYPRESS BORN, WEST SIDE OF CHEST NAY ROAD, NORTH SIDE OF PENCE ROW, WEST SIDE OF BEARFIELD DRIVE, WEST SIDE OF COTTONWOOD STREET, WEST SIDE OF SPRING MEADOW CIRCLE, EAST SIDE OF WICKLES CROSSING ROAD, WEST SIDE OF PEACH GROVE CIRCLE, EAST SIDE OF PEACH GROVE ROAD, EAST SIDE OF BARK CREEK CIRCLE, EAST SIDE OF BROOK CREEK ROAD. SIDEWALKS WHICH HAVE NOT BEEN INSTALLED WITHIN TWO YEARS FROM THE DATE OF ACCEPTANCE FOR MAINTENANCE OF THE STREETS, MAY UPON APPROVAL OF CITY COUNCIL, BE CONSTRUCTED BY THE CITY OF AUSTIN AND ASSESSMENT SHALL BE MADE AGAINST THE AFFECTED PROPERTIES FOR ALL ENGINEERING, ADMINISTRATION, AND CONSTRUCTION COSTS.

LOTS 1, 14, 15 OF BLOCK "M" WILL NOT BE APPROVED FOR CONSTRUCTION UNTIL DRAINAGE FACILITIES ADEQUATE TO PREVENT FLOODING HAVE BEEN INSTALLED OR NECESSARY ARRANGEMENTS MADE FOR SUCH INSTALLATION AS REQUIRED BY SECTION 21-14 OF THE CITY OF AUSTIN ORDINANCE. LOTS 1, 14, 15 OF BLOCK "M" IS DESIGNATED BY THE DIRECTOR OF ENGINEERING AS REQUIRING COMPLETION OR PARTIAL COMPLETION OF DRAINAGE IMPROVEMENTS PRIOR TO ANY BUILDING CONSTRUCTION, NO BUILDING CONSTRUCTION SHALL BE PERMITTED UNTIL RELEASED BY THE DIRECTOR OF ENGINEERING.

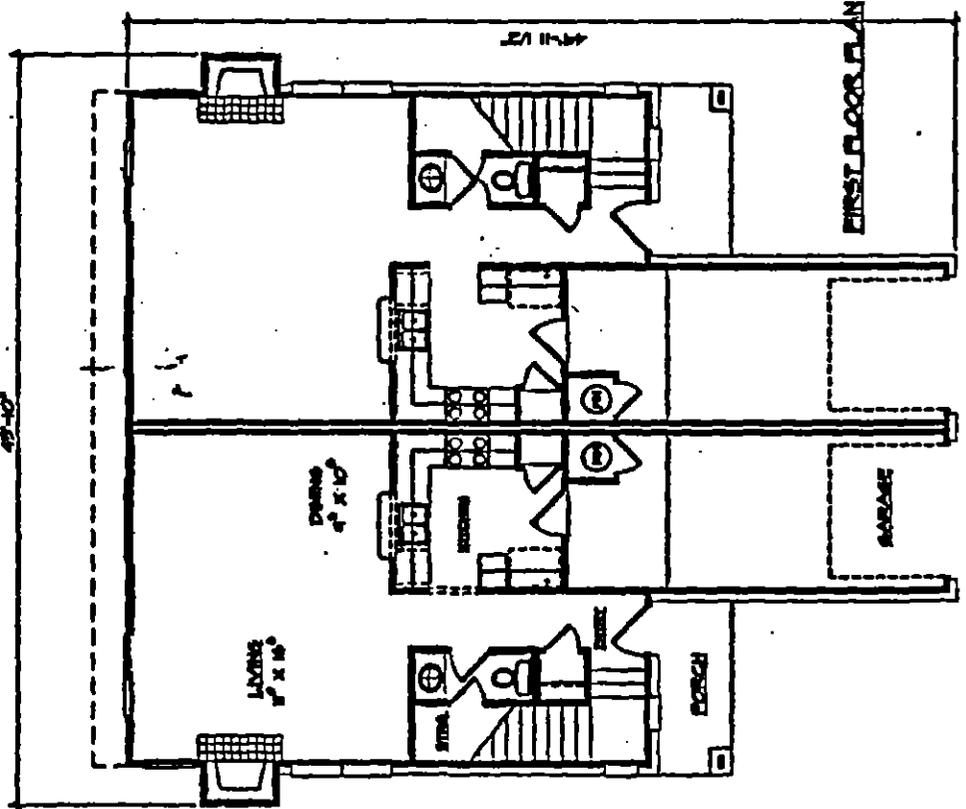
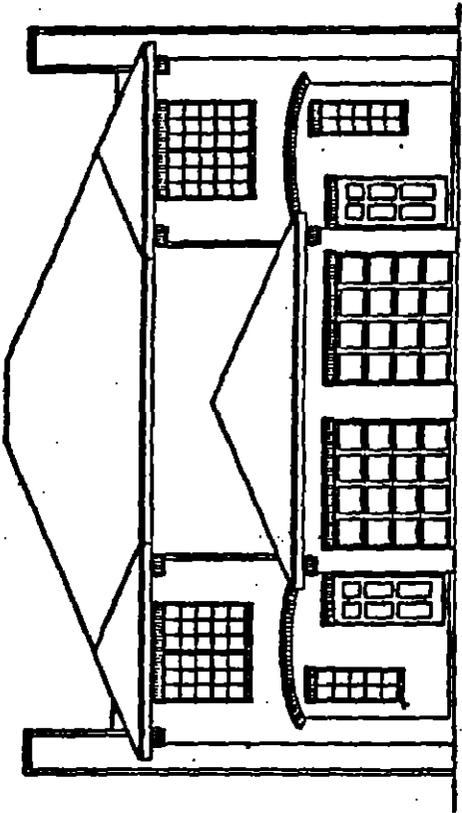
PERMIT TO CONSTRUCTION OF LOTS 1, 2, 3, 4, 5 OF BLOCK "M", AND LOT 1 OF BLOCK "N" IN THIS SUBDIVISION, DRAINAGE PLANS SHALL BE SUBMITTED TO THE CITY ENGINEERING DEPARTMENT FOR APPROVAL. RAINFALL RUNOFF SHALL BE HELD TO THE AMOUNT EXISTING AT PRESENT STATUS BY THE USE OF POSSING OR OTHER APPROVED METHODS.

IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROAD, AND OTHER PUBLIC THROUGHFARES SHOWN ON THIS PLAT, AND ANY BRIDGES OR CURVES NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, AND OTHER PUBLIC THROUGHFARES, OR IN CONNECTION THEREWITH, SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF TRAVIS COUNTY, TEXAS, SAID COURT ASSUMES NO OBLIGATION TO BUILD ANY OF THE STREETS, ROADS OR OTHER PUBLIC THROUGHFARES SHOWN ON THIS PLAT, OR ANY BRIDGES OR CURVES IN CONNECTION THEREWITH.

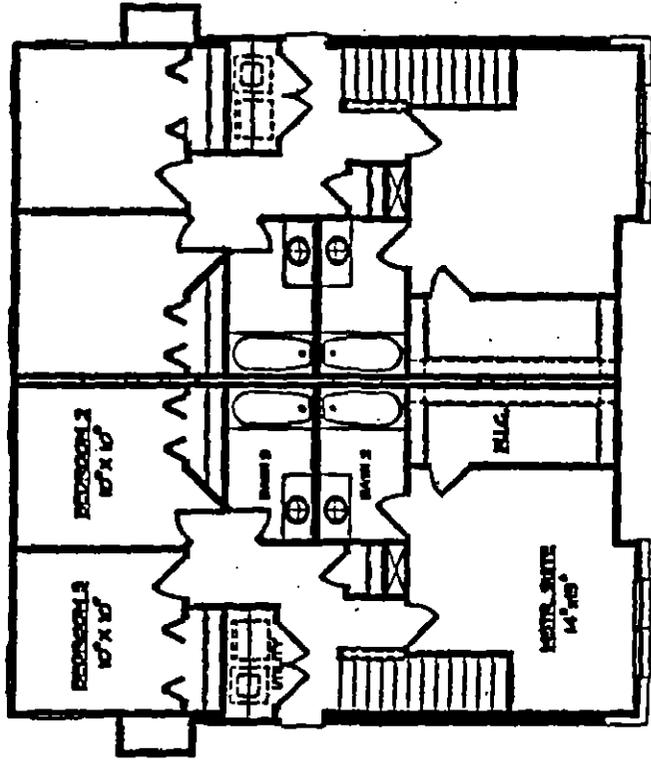
ALSO, THAT THE ACCEPTANCE FOR MAINTENANCE BY TRAVIS COUNTY, OF THE STREETS AND ROADS IN REAL ESTATE SUBDIVISIONS DOES NOT OBLIGATE THE COUNTY TO INSTALL STREET MARKING SIGNS, AS THIS IS CONSIDERED TO BE A PART OF THE DEVELOPER'S CONSTRUCTION, BUT THAT ERECTING SIGNS FOR TRAFFIC CONTROL, SUCH AS SPEED LIMITS AND STOP AND YIELD SIGNS SHALL REMAIN THE RESPONSIBILITY OF THE COUNTY.



attachment A
Duplex drawings
and appraisal
information



FIRST FLOOR PLAN



SECOND FLOOR PLAN

AREAS

| | |
|----------------|------|
| BASED AREA OF | 1000 |
| FOOTPRINT AREA | 377 |
| BRICK 2 1/2" | 10 |
| CONCRETE | 41 |
| PAINTING | 100 |
| ROOFING AREA | 2700 |

RESIDENTIAL AREA - 1000 SQ. FT.

--- Travis County ----- 05/13/02 -----
 Parcel ID: 03220602190000 Primary Use:
 Prop Addr: 4813 BROOK CREEK CV Apt:
 Prop City: AUSTIN TX 78744- C022
 Schl Dist: DEL VALLE ISD
 Elem Schl: Mid Schl: High Schl:

----- Owner Name & Address -----
 Owner Names: PERKINS CAROLINE MARIE Phone Number:

Owner Addr : 5802 SPRING MEADOW RD
 AUSTIN TX 78744-3036 C022

----- Legal Description -----
 Subdivision: WILLIAMSON CREEK SUBD SEC 1 A
 Legal Desc : LOT 26 BLK F MAPSCO : P:645X A:MJ G:16
 WILLIAMSON CREEK SUBD SEC 1-A Rand Mc: P:161 A:J G:16

Block : F Lot: 26

----- Deed & Sales Information -----
 Deed Date : 12/17/92 Deed Type: Doc Number:
 Deed Bk/Pg: 11874/115 Loan # : Vndr Lein :
 Lender : Replace \$:

----- Property Description -----
 Year Built: Zoning : SF2 Acreage :
 Area Sqft : Stories : Frontage: 67.00
 Bathrooms : Firepls : Depth : 111.00

| Use | Floor | Sqft | Exterior | Quality | Wall |
|-----|-------|------|----------|---------|------|
|-----|-------|------|----------|---------|------|

----- Improvement Details -----

----- Assessed Values & Tax Information -----

| | Land | Improved | Ag/Tmb | Total |
|-------------|--------|----------|--------|--------|
| Tax Yr 2002 | \$8000 | \$ | \$ | \$8000 |
| Tax Yr 2001 | \$8000 | \$ | \$ | \$8000 |
| Tax Yr 2000 | \$7000 | \$ | \$ | \$7000 |

| Code | Jurisdiction Name | Tax Rate | Tax Amount |
|------|-------------------|----------|------------|
| J02 | AUSTIN | .4597 | 35.40 |
| J03 | TRAVIS CO | .4460 | 12.04 |
| J06 | DEL VALLE ISD | 1.6949 | 130.51 |

2001 Total Estimated Taxes \$177.95 05/13/02
 Total Estimated Taxes without Exemptions \$208.05

Exemptions: * HOMESTD

INFORMATION DEEMED RELIABLE, BUT NOT GUARANTEED

PIER Database Instance: PROD_PIER User Name: GGUERNEY

Form: \\STRAUSS\PIER_F6\EXE\PIER_BLDG_PERMIT_EDIT

02018405 DORMANT RESIDENTIAL 09/12/2002 09/22/2002 JMALDONADO

NEW TWO STORY DUPLEX W/ATT GARAGE & COVERED PORCH

SUBDIVISION: WILLIAMSON CREEK SUBDIVISION SECTI MJ16

SF2 2 F 2 1 RS-1 3294 \$130,000

CONCRETE

Comments:

IC-2002' 87% BC-2027' 26% 19'DR & SIDEWALK/NO LICENSED CONCRETE CONTRACTOR. NOT IN FLOOD PLAIN PER TODD PARKER 9-1 FROM TWO STORY RES TO TWO STORY DUPLEX 9-27-2002 NB CANCEL PLBG LQF 7/24/2009 JOM.DORMANT NO ACTIVITY PER CARLOS BOTELLO 9-8-04.

Letter on File

Address:

Name: MIKE SHARI
 1600 S PLEASANT VY RD
 AUSTIN
 TX 78741

Inspection Screen Remarks

Record 1/1

*Attachment B
 City permit records
 for 15708 Spring
 Meadow Road*

SPARK Database Software | PUBLIC USER | User Name: MARSHER

SEARCH RESULTS FOR: [SEARCH CRITERIA] [CLEAR] [REFRESH]

SEARCH RESULTS: 1 RECORD FOUND

| | | | | | |
|-------------|-----------|---------|--------------------------------|--------|--------|
| PROPERTY ID | 123456789 | ADDRESS | 123 MAIN ST, ANYTOWN, CA 90210 | STATUS | ACTIVE |
|-------------|-----------|---------|--------------------------------|--------|--------|

PROPERTY DETAILS: 123456789

ADDRESS: 123 MAIN ST, ANYTOWN, CA 90210

STATUS: ACTIVE

OWNER: JOHN DOE

DATE ACQUIRED: 1/15/2003

DATE LISTED: 7/20/2013

PRICE: \$1,200,000

DESCRIPTION: 3 BR, 2 BATH, 2 CAR GARAGE

SUBDIVISION: WILLIAMSON CREEK SUBDIVISION

| PROPERTY ID | ADDRESS | STATUS | OWNER | DATE ACQUIRED | DATE LISTED | PRICE | DESCRIPTION |
|-------------|--------------------------------|--------|----------|---------------|-------------|-------------|----------------------------|
| 123456789 | 123 MAIN ST, ANYTOWN, CA 90210 | ACTIVE | JOHN DOE | 1/15/2003 | 7/20/2013 | \$1,200,000 | 3 BR, 2 BATH, 2 CAR GARAGE |



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City of Austin
Building Permit Summary
 FOR INFORMATION PURPOSES ONLY - NOT A VALID PERMIT

| | | | |
|----------------------------------|---|--------------------------|----------------------------------|
| Permit Number 02013405 | Address 6708 SPRING MEADOW RD | Status DORMANT | Permit Date 09/23/2002 |
|----------------------------------|---|--------------------------|----------------------------------|

REQUIRED INSPECTIONS

| | | | | | | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| BLDG | MECH | ELEC | PLMB | CONC | ENER | ENGR | WATR | SEWR | OSSF | FIRE | HLTH | LDSP |
| Y | Y | Y | | Y | Y | | Y | Y | | | | |

PROPOSED OCCUPANCY

NEW TWO STORY DUPLEX W/ATT GARAGE & COVERED PORCH

| | | | |
|--------------------|------------------|--------------------------|---------------------|
| PERMIT TYPE | VALUATION | TOTAL SQUARE FEET | USE CATEGORY |
| R | \$150,000.00 | 3294 | R3-1 |

ORIGINAL PERMIT FEES

| PERMIT | CONTRACTOR | FEE | PAID DATE |
|--------|--------------------------|----------|------------|
| BLDG | WENDELL ARMSTRONG | \$290.00 | 09/23/2002 |
| ELEC | STEVEN DALE GREGORY | \$165.00 | 09/26/2002 |
| MECH | THEODIS DANIEL | \$94.00 | 12/31/2002 |
| PLMB | JOSHUA RODRIGUEZ | \$100.00 | 09/25/2002 |
| CONC | SWEET CONCRETE CONSTRUCT | \$39.00 | 03/04/2003 |
| SIGN | | | |
| ROOF | | | |

FINALIZED DATE:

COMMENTS

IC-2882' 37% BC-2027' 28%. 19'DR & SIDEWALK/ND LICENSED CONCRETE CONTRACTOR. NOT IN FLOOD PLAIN PER TODD PARKER 9-19-2002.CHANGED FROM TWO STORY RES TO TWO STORY DUPLEX 9-27-2002 NB.
 CANCEL PLBG LOF 7/24/2003 JOM.DORMANT
 NO ACTIVITY PER CARLOS BOTELLO 9-8-04.

INSPECTION REMARKS

PERMIT HOLDS

| | | | |
|--------------------|-----------------|------------|----------|
| Permit Center Hold | JOANN MALDONADO | 07/24/2003 | 974-9999 |
|--------------------|-----------------|------------|----------|

UNPAID FEES
No Unpaid Fees

REQUESTED INSPECTIONS

| | | | |
|------------------|----------------|------------|------|
| Layout | CARLOS BOTELLO | 09/25/2002 | FAIL |
| Driveway Prepour | CARLOS BOTELLO | 03/06/2003 | PASS |
| Electrical Slab | RANDY HAYDON | 10/02/2002 | PASS |
| Plumbing Rough | CARLOS BOTELLO | 09/27/2002 | PASS |
| Plumbing Copper | JIM DILLINGER | 10/02/2002 | TEMP |
| Final Mechanical | CARLOS BOTELLO | 08/27/2003 | FAIL |

OTHER FINALS

ENGR WATR SEWR OSSF FIRE HLTH LDSP

[Back to Permit Search](#)



Austin City Connection - The Official Web site of the City of Austin
 Contact Us: devweb@ci.austin.tx.us or (512) 974-8370.
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 P.O. Box 1088, Austin, TX 78767 (512) 974-2000



City of Austin

Austin Water Utility, Consumer Services Division 625 E 10th Street Suite 200, Austin, Texas 78701

February 3, 2005

Mike Ghalbl
7200 Water Line Road
Austin, Texas 78731

Re: Water and / or Wastewater permits

To Whom It May Concern:

On May 2, 2003 a water and / or wastewater permit was purchased for 5708 Spring Meadows Road. At the time the tap permits were issued, the purchaser was informed that the tap permit(s) would expire two years from the date of purchase if the tap connection was not completed and inspected. This two-year deadline for these tap permits is now approaching.

In order to avoid expiration of the water and wastewater tap permits, you must either complete the service connections or obtain a City of Austin building permit before May 2, 2005. Please note that the expiration of a building permit after May 2, 2005 shall result in an automatic expiration of your tap permit(s) without further notice. If these tap permit(s) expire, all tap permit related fees will be considered non-refundable in accordance with the City's Development Code and any connection terms agreed to by the City will no longer be valid. Please contact the Water and Wastewater Utility's Taps Office at 972-0000 for more information or you may visit us at 625 E. 10th Street, suite 200.

Catherine Ross-Lowe

Catherine Ross - Lowe
Financial Advisor
Austin Water Utility

February 17, 2005, 2005

Re: Reinstating permit number 02013405 , at 5708 Spring Meadow Rd.

Dear Mr. Travillion ;

I would like to tank you in advance for your assistance on this matter. I am hired by my father to sales a duplex that he has about 80% completed on 5708 Spring Meadow. My father had hired a builder who had abandoned the project and left it incomplete. He had tried to locate the builder and hold him to his contract and commitment. All his attempt has failed and he was forced to file a law suite against the builder. The property has been vandalized and our mechanical equipments and plumbing fixture that has been paid for it has been stolen from the property. We have secured the property several times. However, we have intruders constantly brake in and vandalizing the windows and glass doors. This has been noisiness for the neighborhood as well as my father. After going trough lots of interview we have hired a new contractor to finish the remaining job. He has been trying to meet with a city representative to reinstate the permit and finish the work. On his meeting today with permitting department, he was told that they issued the permit wrong for duplex and it does not confirm with SF2 zoning. As a result no permit could be issued. Mean while we are receiving a letter from the inspector giving us deadline to do some thing with the building. I have talk with one of the managers and did not receive any favorable response. I was told that they have made a mistake on issuing and approving the duplex and they are sorry. I have recommended reissuing the permit grand fathering the old permit considering that 52 properties out of 70 properties on Spring Medow is zoned as duplex and fourplex. The current lot is greater than 7000 sqft which meets the minimum lot requirements for a duplex. Please guide me to the right direction.

Sincerely,

Maryam Gharbi, ABR.CRS.GRI

BROKER PARTNER

CENTURY21 Capital Team

8108 Mesa Dr. Suite B103

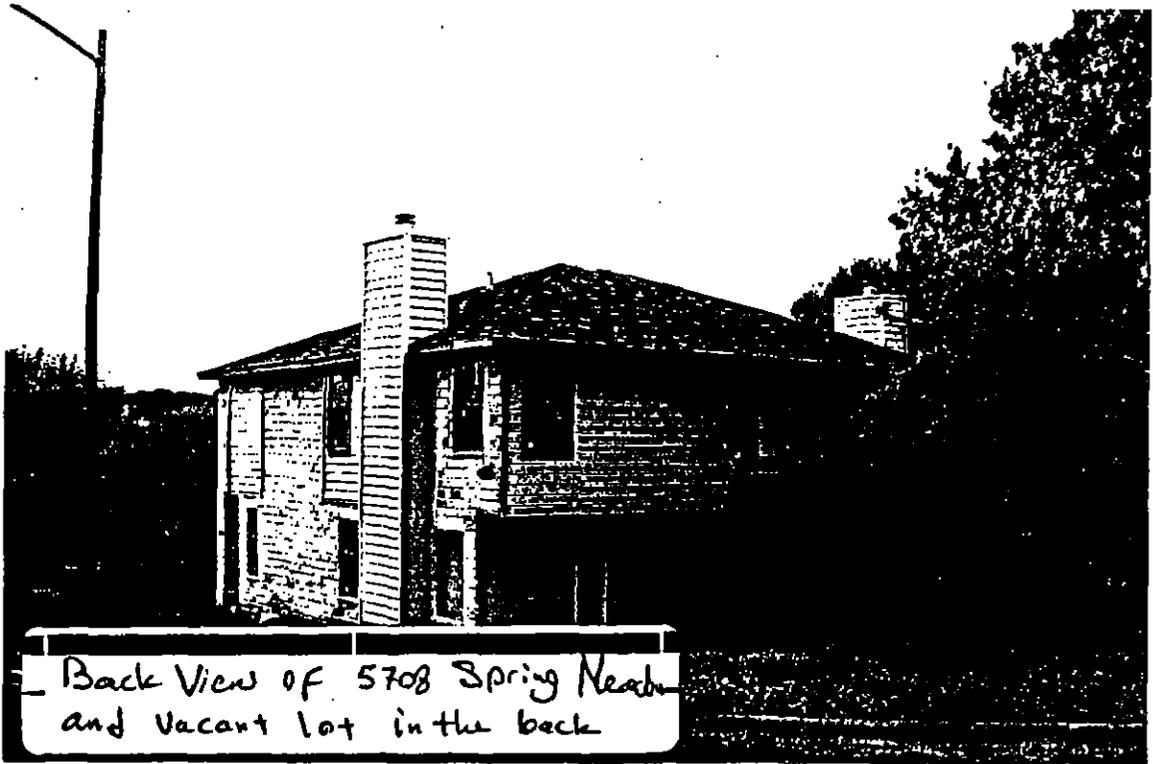
Austin, TX 78759

Direct: 512-589-8326

Office: 512-441-8326

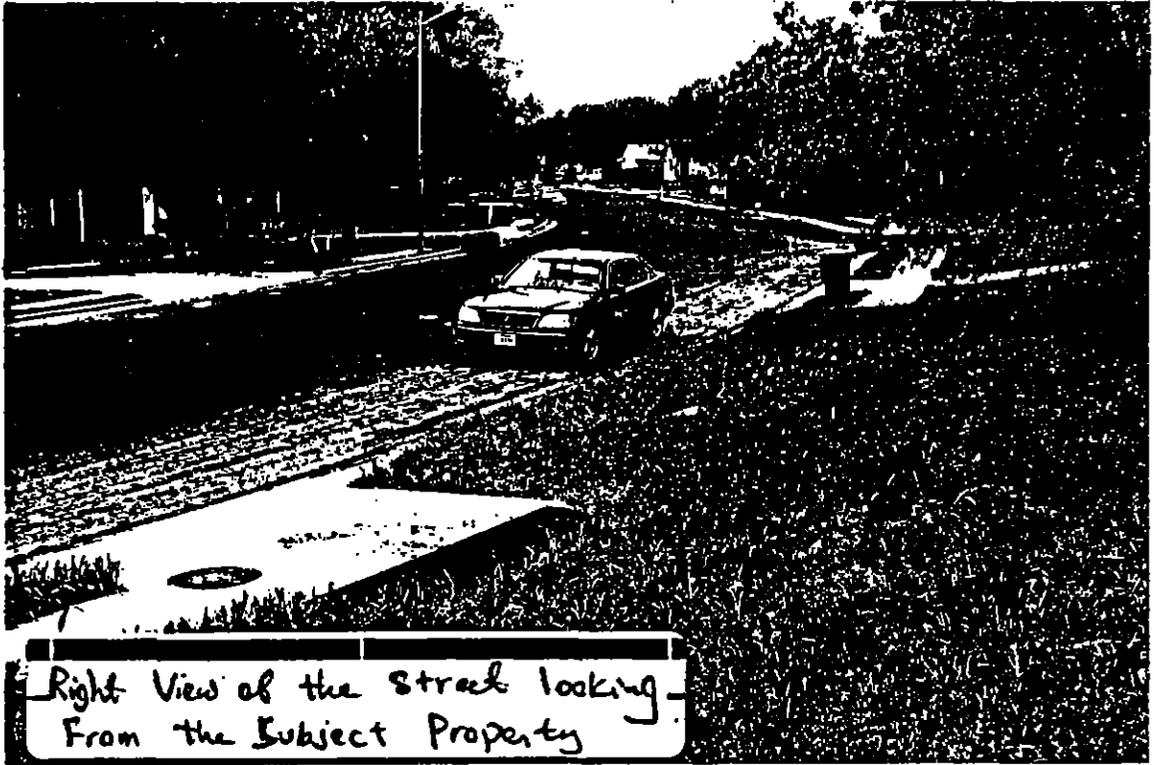


- Front View 5708 Spr. Meadow
(Vacant lot to the right)



- Back View of 5708 Spring Meadow
and Vacant lot in the back

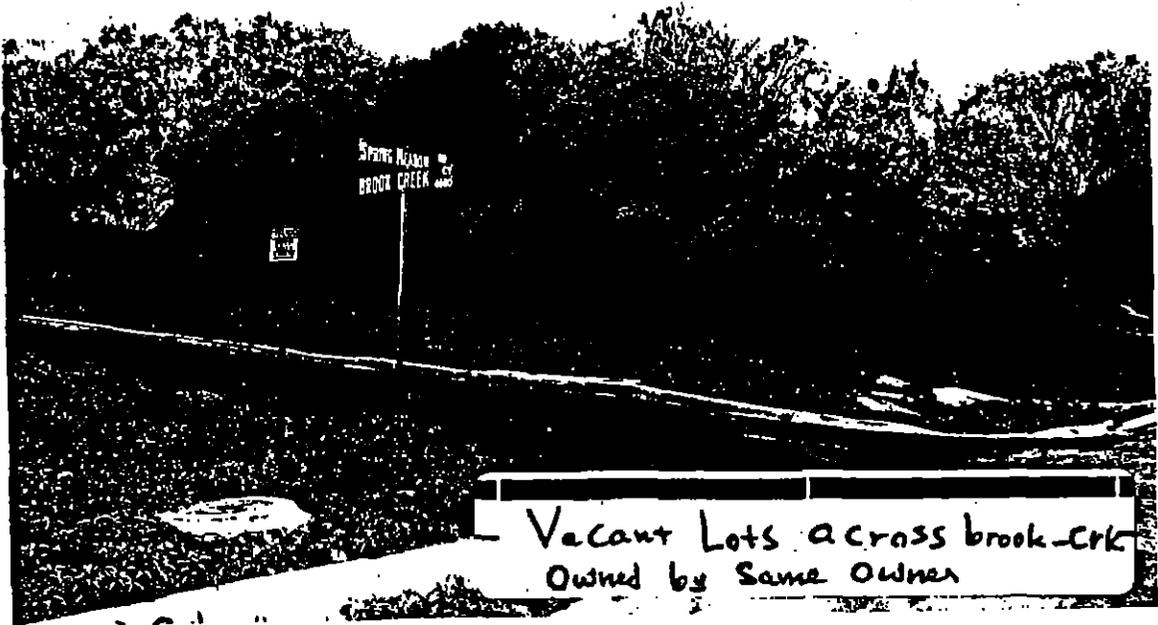
Attachment C

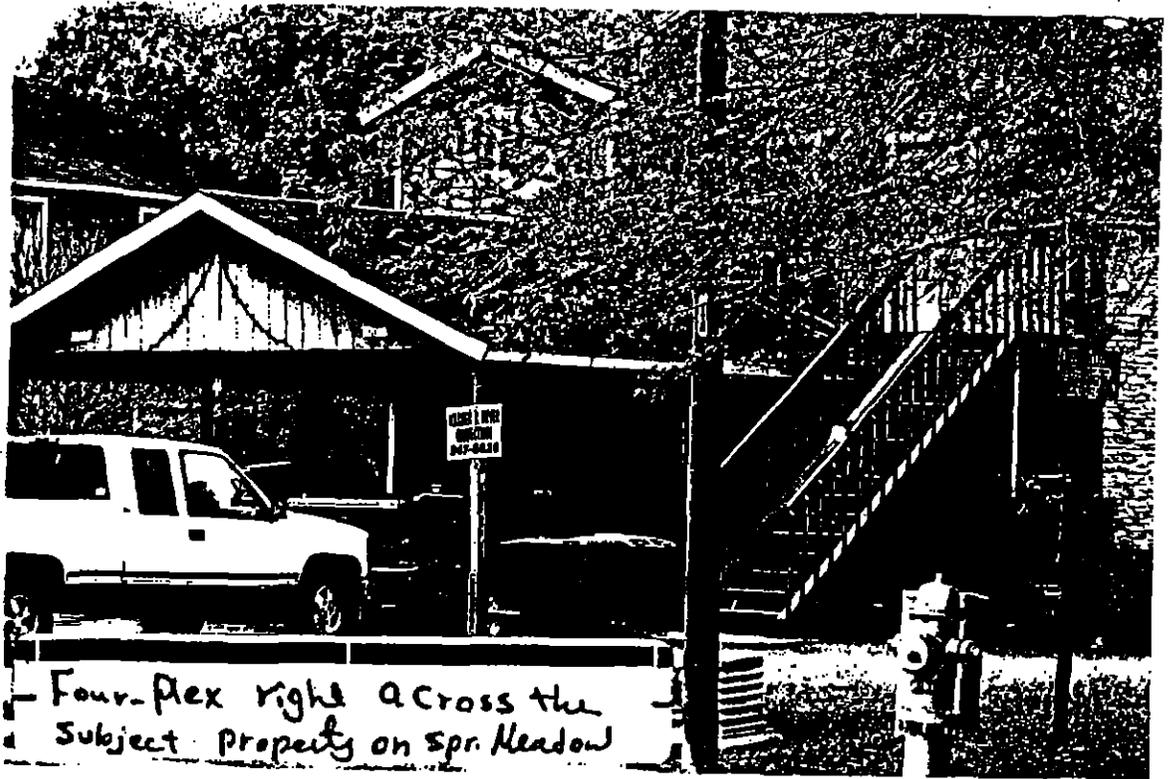


Right View of the Street looking
From the Subject Property

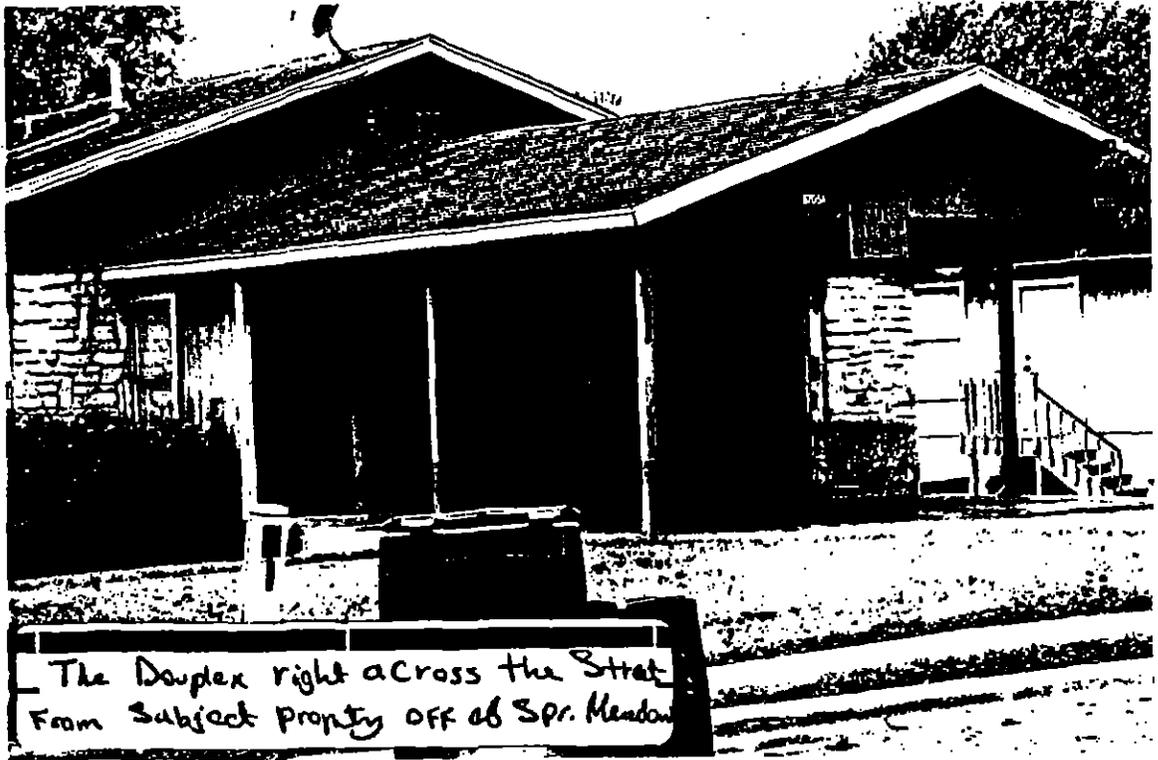


Left View of the Street From
Subject Property





Four-plex right across the
Subject property on Spr. Meadow



The Duplex right across the Street
From Subject property off of Spr. Meadow

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is for family residence - neighborhood plan (SF-3-NP) combining district zoning.

BACKGROUND

The property is situated at the northwest corner of Spring Meadow Road and Brook Creek Cove, and is zoned SF-2-NP. The Applicant owns two adjacent undeveloped lots - one to the north and the other to the west, as well as four undeveloped lots on the east side of Brook Creek Cove (zoned SF-2-NP). There are established single family residences surrounding the undeveloped lots described above (SF-2-NP) on the north side of Spring Meadow Road. There are established duplexes along the south side of Spring Meadow Road (SF-3-NP).

The applicant proposes to rezone the lot to the SF-3-NP district so that the duplex under construction may be completed and thereafter sold. The Staff recommends the Applicant's rezoning request due to the following considerations: 1) the City erred in issuing a permit for a duplex although the property carries SF-2-NP zoning which does not allow this use, the construction is substantially complete and conversion back to a single family residence would be difficult; 2) the adjacent properties to the north, west and east are undeveloped, and future homebuyers of these lots would be aware of the duplex use.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

Existing Zoning: The single family residence standard lot (SF-2) district is intended for a moderate density single-family residential use on a lot that is a minimum of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having moderate sized lots or to new development of single-family housing areas with minimum land requirements.

Proposed Zoning: The SF-3, Family Residence, zoning district is intended as an area for moderate density single family residential use, with a minimum lot size of 5,750 square feet. This district is appropriate for existing single-family neighborhoods having typically moderate sized lot patterns, as well as for development of additional family housing areas with minimum land requirements.

2. *Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends the Applicant's rezoning request due to the following considerations: 1) the City erred in issuing a permit for a duplex although the property carries SF-2-NP zoning which does not allow this use, the construction is substantially complete and conversion back to a single family residence would be difficult; 2) the adjacent properties to the north, west and east are undeveloped, and future homebuyers of these lots would be aware of the duplex use.

EXISTING CONDITIONS**Site Characteristics**

There is a duplex under construction on the lot. The site slopes slightly to the south, towards Williamson Creek.

Impervious Cover

The maximum impervious cover allowed by the SF-3-NP zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Net Site Area</i> | <i>% with Transfers</i> |
|--|---------------------------|-------------------------|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 14 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Water and Wastewater

The site is served with City water and wastewater utilities. If water or wastewater utility improvements or utility adjustment are required, the landowner, at own expense, will be responsible for providing. Also, the utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria.

Compatibility Standards

The lot is not subject to compatibility standards.



Capital Team

8108 Mesa Ste. B103
Austin, Tx 78759
Tel: 512.441.8328
Fax: 512.418.9842
E-mail: info@century21austin.com
www.century21austin.com

Serving Central Texas Real Estate Market Area
N. Austin 441.8328 S.C. Austin 444-7325 Bastrop 303.6999 Corp. Office 444.7328



Maryam Gharbi
Relocation Director
ABOR Director
GRI, VIP, ABR, CRS

April 5, 2005

**TO: Wendy Walsh
City of Austin Neighborhood
Planning & Zoning Department**

**Re: Chang of zoning on Duplex at 5708 Spring Meadow
Permit # 02013405**

Ms. Walsh:

I would like to thank you for taking the time and meeting with me and my Father as the property owner's and selling agent. As you can see this matter has become an emotional mater for what we have been through.

My Father had purchased six lots the two adjacent to the subject property and three right across from this lot. He was told from the seller that the lots greater that 7000 sq. ft. could be used for duplex. The Architect plan and contract signed by the Builder was for a duplex. The permit issued ultimately was to build a duplex. We are currently at 80% completion and the seller has over \$125,000.00 invested on this property. I have been marketing this property for sale I have lost my buyer due to delay on the construction and I would not like to lose the second buyer. At this stage of construction it is almost impossible to convert the duplex to a single family. Average square foot for single family homes in the area is about 1200 sq. ft. All the plumbing, mechanical, electrical, and structural work has been completed for the most part as designed for a duplex. The total of 52 properties out of 70 properties on Spring Meadow is zoned as Multi-Units. As you enter to Spring Meadow on the North and South at Spring Meadow there are series of duplexes. Majority of the single families on the Spring Meadow are facing the secondary streets. The shape & dimension of the subject lot would requires to be build the way that is facing the main street (Spring Meadow) which make this lot not suitable for single family. It came to my attention that some of their single family had converted the garage with separate entry to be able to be used as multi unites in the same street. I have attached several of pictures for your review. In conclusion I would like to appreciate your re-consideration on this matter for the following reason:



Century21.

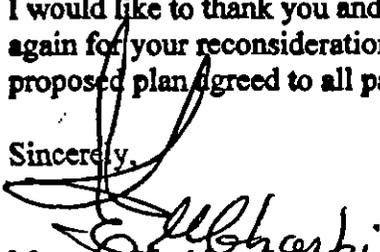
Century21.



1. The property is about 80% completed based on multi-family permit issued by mistake.
2. The subject lot is greater than 7000 SQFT and meets the minimum requirement for SF3 permit to build a duplex.
3. The seller has gone through enough hardship dealing with delay in construction and change of builder, and additional cost involving vandellism and cost of re-issuing permits and re-zoning.
4. Neighbors that I have talk to would love to see this project to be finished rather than sitting abandoned as eye sour for the neighborhood.
5. Neighborhood safety & health issue. People using the place as public dump and I am being fined for it and constantly have to remove debris and trash.
6. I have received continued warning about securing the place. We have secured this property at least seven to eight times in the past nine months. Yet the vandalism continues and they keep breaking the windows, broke the sheet rocks.
7. The adjacent properties are owned by the same owner and property across are duplex and four-plex and they would not be affected.
8. It appears that the majorities of the single family homes in the street have converted their garage and created a multi-unit situation and other single family have facing the secondary street and their fence is facing the Spring Meadow.
9. Spring Meadow is high traffic street and most of properties are occupied by renters. And most of the properties are owned by investors on this street.

I would like to thank you and the Neighborhood Planning & zoning department Staff again for your reconsideration. I am looking forward to go the hearing committee with a proposed plan agreed to all parties involved.

Sincerely,


Maryam Gharbi
Broker/Owner
CENTURY21 Capital Team

CITY PLANNING COMMISSION

April 12, 2005

CITY HALL - COUNCIL CHAMBERS

301 W. 2ND STREET

1ST Floor

COMMENCED: 6:10 P.M.

ADJOURNED: 7:53 P.M.

CALL TO ORDER - 6:00 P.M.

_____ John-Michael Cortez

_____ Matthew Moore, Secretary

_____ Cid Galindo

_____ Jay Reddy

_____ Cynthia Medlin, Vice-Chair

_____ Chris Riley, Chair

_____ Keith L. Jackson

_____ Dave Sullivan, Parliamentarian

ALL PRESENT

CONDUCT OF PUBLIC HEARINGS

1. Chair announces request.
2. Staff presents a summary of the case.
3. Chair calls on those FAVORING the request.
4. Applicant's presentation (5 minutes).
5. Others favoring the request (3 minutes).
6. Chair calls on those OPPOSING the request.
7. Primary presentation (5 minutes).
8. Others opposing the request (3 minutes).
9. Applicant is given opportunity to answer objections stated. (3 minutes)
10. Staff summation and questions from the Commission.
11. The public hearing on a zoning case may be closed and no further testimony is taken from the public.
12. If the public hearing is closed, the Commission shall make a recommendation to the City Council within 14 days or the case will be forwarded to the City Council without a recommendation. (Section 25-2-282).

All of the following items may be acted upon by one motion. The Commission does not consider items earlier than the time stated on the agenda; "Other Business" items can be taken at any time. After the posted time, the Commission Chairperson may announce the item and, if there is no opposition, the item may be taken "by consent" for approval without discussion.

CITIZENS WISHING TO SPEAK BEFORE THE COMMISSION OR CITIZENS THAT ARE UNABLE TO SPEAK BUT WOULD LIKE TO MAKE THE COMMISSION AWARE OF THEIR POSITION ARE REQUESTED TO REGISTER BY SIGNING A CARD AT THE ENTRANCE.

Any interested party aggrieved by a decision of the Planning Commission on a Hill Country Site Plan, Conditional Use Permit, Replacement Site Plan, or a Preliminary Subdivision Plan with an environmental variance may only appeal the Commission's decision to the City Council. The notice of appeal must be submitted in writing on a form provided by the Director of Neighborhood Planning & Zoning Department within fourteen (14) days following the decision of the Planning Commission.

The Commission may recommend additional future land use designations that have not been requested or future land use designations that are more or less intensive than the requested future land use. The Commission may also recommend zoning that includes combining districts such as mixed use, conditional overlays, or other combining districts.

Facilitator: Katie Larsen 974-6413

katie.larsen@ci.austin.tx.us

NEIGHBORHOOD PLAN AMENDMENT

- 4. **Neighborhood** **NPA-04-0016.01 - U Auto Stop Used Tires**
Plan Amendment:
Location: 710 - 714 Pedernales Street, Town Lake Watershed, Govalle / Johnson Terrace NPA (Govalle) NPA
Owner/Applicant: Cid Ciro Lopez
Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet)
Request: To change the designation on the future land use map from single family to mixed use.
Staff Rec.: **NOT RECOMMENDED**
Staff: Sonya Lopez, 974-7694, sonya.lopez@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

WITHDRAWN; NO ACTION REQUIRED.

DISCUSSION AND ACTION ON ZONING CASES

- 5. **Rezoning:** **C14-04-0088 - U Auto Stop Used Tires**
Location: 710 - 714 Pedernales Street, Town Lake Watershed, Govalle / Johnson Terrace NPA (Govalle) NPA
Owner/Applicant: Cid Ciro Lopez
Agent: Brown McCarroll, L.L.P. (Annick C. Beaudet)
Request: SF-3-NP to GR-MU-NP
Staff Rec.: **NOT RECOMMENDED**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department

WITHDRAWN; NO ACTION REQUIRED.

- 6. **Rezoning:** **C14-05-0032 - 5708 Spring Meadow**
Location: 5708 Spring Meadow Road, Williamson Creek Watershed, Southeast NPA (McKinney) NPA
Owner/Applicant: Mike H. Gharbi
Agent: Maryam Gharbi
Request: SF-2-NP to SF-3-NP
Staff Rec.: **RECOMMENDED**
Staff: Wendy Walsh, 974-7719, wendy.walsh@ci.austin.tx.us
 Neighborhood Planning and Zoning Department



APPROVED STAFF'S RECOMMENDATION FOR SF-3-NP ZONING.
[J.R; D.S 2ND](8-0)

Note: Commissioners did not view SF-3-NP zoning on this lot as a precedent for the North side of Spring Meadow Road. Instead, they see this as a peculiar case in terms of the building permits issue.

SUMMARY

Wendy Walsh, staff – “The applicant owns two adjacent lots; one is to the north and one is to the west and four undeveloped lots on the east side of Brook Creek Cove; these are all zoned SF-2-NP. There are established single-family residences that surround this undeveloped lot. On the south side of Spring Meadow Road, there are established duplexes and they are SF-3-NP. Most of my report will be from the issues section, Page 1, this property does have a bit of history with it; it has carried SF-2 since approximately the 1980’s. In July 2002, the applicant submitted residential plans for a duplex, this is first allowed in SF-3; staff misread the plans and instead reviewed them as a single-family residence and issued a permit for the single-family residence. The applicant then returned to the staff and reported that the building plans was not for a single-family residence, they were for a duplex and from then, the staff error and changed the building permit from a single-family residence to a duplex; this happened in September of 2002. Work began on the duplex that was permitted and continued until March 2003; sometime after that, the contractor walked out on the construction and in September 2004 the permit had expired. When the applicant requested that the building permit be reactivated, they were ready to go again, the staff then informed the applicant that the duplex was not permitted under SF-2 and they needed to apply for rezoning to SF-3. At this time the construction on the duplex is approximately 80% complete and the applicant is estimating that it would take 1 to 2 months to complete; they also report that there is a buyer for the duplex and are seeking an extension for the contract, so that the rezoning issue may be addressed. Staff is recommending the request because the city erred in issuing the building permit for a duplex, although it is zoned SF-2 and also because it is 80% complete and trying to construct this back into a single-family residence would be difficult.

Commissioner Medlin – “During the Neighborhood Planning process, what was your recollection on the discussion about this area; some points were made about how people are converting garages into apartments; seems like they want more density in the area. I’m curious as to why the neighborhood planning process this development was not granted SF-3, seems like this was the perfect opportunity to do that; is there some reason why you want to maintain it as SF-2?”

Ms. Walsh – “I know one goal was to encourage homeownership in this area, instead of renters”.

Sonya Lopez – “I worked on the Franklin Park NP; there was a lot of discussion about promoting homeownership. There was no discussion about up zoning this area from SF-2 to SF-3 in this area; everyone seemed content with the SF-2 zoning”.

Commissioner Medlin – “So are illegal duplexes a problem in this area?”

Ms. Lopez – “I haven’t heard of that happening; there are a number of legal duplexes; so not to my knowledge, in this area, is there illegal duplexes”.

Ms. Walsh – “There are established duplexes; I do have photos of single-family houses where the garages have been closed in and made into an extra room. I did see some examples of that when I did a site visit to this area”.

Maryam Gharbi – “I’ve been hired to market this property for sale for my father who is the owner of the property. I agree with Commissioner Medlin, we do need higher density in this area. My impression was that the neighborhood wanted multi-units in their neighborhood; because if it was part of the house, they would not have a separate entrance. There are 9 single-family homes on Spring Meadow; 4 of them have a converted garage. I want to thank staff and commission for working with us on this. In this case, the building permit was issued, it’s almost finished up to 80%, I’ve talked to neighbors in the area and they want this place finished. It’s been tough; we have a potential buyer, so I would appreciate your consideration”.

No speakers in favor.

Amy Johnson spoke in opposition of the project. Her concern was that this would be setting a precedent in the neighborhood. “This would be setting a precedent; and I do not want that at all. They want duplexes; and I don’t”.

Commissioner Reddy – “What we’re doing here today is deciding the zoning of the land; SF-3 in Austin is used primarily to building single-family homes. I don’t know if you’re aware of that”.

Ms. Johnson – “No, I do not know that; I only know what I got in the mail from the city and it differentiate SF-2 from SF-3 by calling one a duplex and the other a single-family home, and that’s the only thing that I know”.

Commissioner Reddy – “Okay, I just wanted to make you aware of that”.

Commissioner Riley – “If we were just talking about this one house and it would not have an affect on the other 6 lots that you’re concerned about...”

Ms. Johnson – “I want him to have the duplex”.

Commissioner Riley – “So you’re fine with this particular house being completed as a duplex?”

Ms. Johnson – “It is built; it has two entrances and two fire places; I don’t care, I just want to know if this is setting precedence by zoning..?”

Commissioner Riley – “We’ll talk about that as we discuss the case”.

Ms. Gharbi – “I’m sorry for the trouble that Ms. Johnson has gone through; we’ve gone through the same troubles with the contractor. Mr. Gharbi is not going to be building anymore duplexes around the area; he is not going to come back asking to rezone the other lots; so I hope that makes Ms. Johnson feel better. I’m sure everyone would like this to go away, so I hope that you can give us this zoning; thank you”.

Commissioner Reddy and Cortez moved to close the public hearing.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 5708 SPRING MEADOW ROAD IN THE MCKINNEY
3 NEIGHBORHOOD PLAN AREA FROM SINGLE FAMILY RESIDENCE
4 STANDARD LOT-NEIGHBORHOOD PLAN (SF-2-NP) COMBINING DISTRICT
5 TO FAMILY RESIDENCE-NEIGHBORHOOD PLAN (SF-3-NP) COMBINING
6 DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

9
0 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
1 change the base district from single family residence standard lot neighborhood plan (SF-
2 2-NP) combining district to family residence-neighborhood plan (SF-3-NP) combining
3 district on the property described in Zoning Case No. 0314-05-0032, on file at the
4 Neighborhood Planning and Zoning Department, as follows:

5
6 Lot 1, Block F, Williamson Creek Section One Subdivision, a subdivision in the
7 City of Austin, Travis County, Texas, according to the map or plat of record in Plat
8 Book 81, Page 27, of the Plat Records of Travis County, Texas (the "Property"),

9
0 locally known as 5708 Spring Meadow Road in the City of Austin, Travis County, Texas,
1 and generally identified in the map attached as Exhibit "A".

2
3 PART 2. Except as otherwise provided in this ordinance, the Property is subject to
4 Ordinance No. 021010-02B that established the McKinney neighborhood plan combining
5 district.

6
7 PART 3. This ordinance takes effect on _____, 2005.

8
9 PASSED AND APPROVED

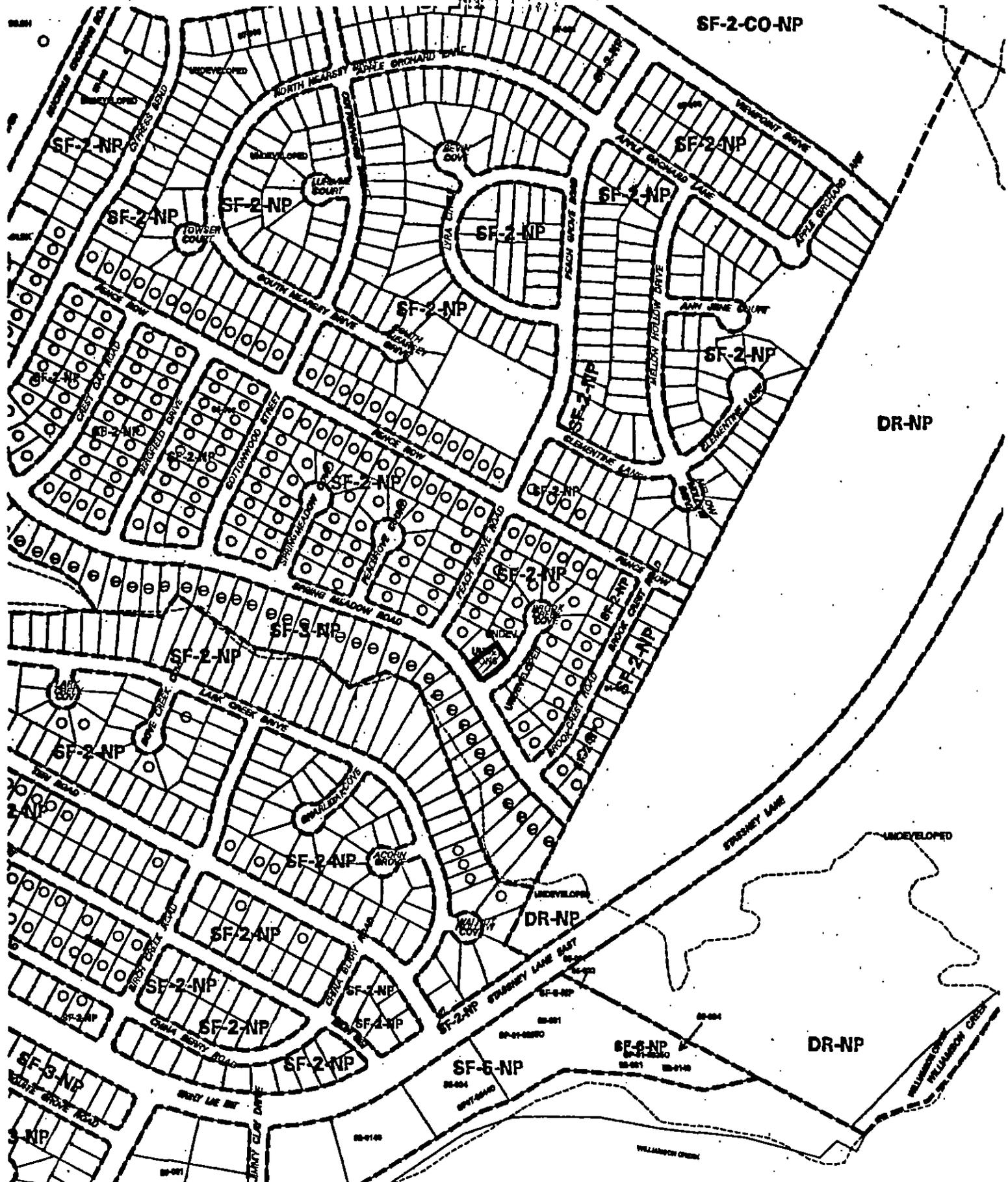
0
1 _____, 2005

§
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2
3 Will Wynn
4 Mayor

5
6 APPROVED: _____
7 David Allan Smith
8 City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk



SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W. WALSH

CASE #: C14-05-0032
ADDRESS: 5708 SPRING MEADOW RD
SUBJECT AREA (acres): 0.160

ZONING EXHIBIT A

DATE: 05-04
 INTLS: SM

CITY GRID REFERENCE NUMBER
J18

1:400'